

**STIP**  
**BRIAN J. SMITH, ESQ.**  
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**Attorney for SEHDEV**

UNITED STATES DISTRICT COURT

**IN AND FOR THE DISTRICT OF NEVADA**

UNITED STATES OF AMERICA, )  
vs. )  
Plaintiff, )  
ASHOK SEHDEV, )  
JOSE LUIS MONTOYA, )  
Defendants. )  
Case No.: 2:17-mj-00683-CWH  
STIPULATION TO CONTINUE  
PRELIMINARY HEARING  
(FIFTH REQUEST)

IT IS STIPULATED between the defendant ASHOK SEHDEV through his attorney BRIAN J. SMITH, ESQ., defendant JOSE LUIS MONTOYA through his attorney THOMAS BOLEY, ESQ., and the United States of America, through CRISTINA SILVA, Assistant United States Attorney, that the Preliminary Hearing currently scheduled for February 12, 2018, at the hour of 4:00 p.m., be vacated and set to a date and time convenient to this court, but no event earlier than sixty (60) days.

This Stipulation is entered for the following reasons:

1. There have been four previous continuances granted to the defense in this case.
2. Defense counsel was retained on July 7, 2017.
3. The parties will require more time to negotiate a resolution on this matter.
4. The parties agree to the continuance.
5. Also, denial of this request or continuance would result in a miscarriage of justice.
6. The additional time requested by this stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv).

1           7. This is the fifth request for a continuance of the Preliminary Hearing.  
2           DATED this 9th day of February, 2018.  
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4           RESPECTFULLY SUBMITTED BY:  
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6           \_\_\_\_\_  
7           /s/*Cristina Silva*  
8           CRISTINA SILVA  
9           Assistant United States Attorney  
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11           \_\_\_\_\_  
12           /s/*Brian J. Smith*  
13           BRIAN J. SMITH  
14           Attorney for SEHDEV  
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16           \_\_\_\_\_  
17           /s/*Thomas Boley*  
18           THOMAS BOLEY  
19           Attorney for MONTOYA  
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**UNITED STATES DISTRICT COURT**

**IN AND FOR THE DISTRICT OF NEVADA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

VS.

ASHOK SEHDEV,

**JOSE LUIS MONTOYA,**

## Defendants.

**Case No.:** 2:17-mj-00683-CWH

## **STIPULATION TO CONTINUE PRELIMINARY HEARING**

**(FIFTH REQUEST)**

## FINDINGS OF FACT

Based upon the submitted Stipulation, and good cause appearing therefore, the Court finds that:

1. The parties will require more time to negotiate a resolution on this matter.
2. The parties agree to the continuance.

## **CONCLUSIONS OF LAW**

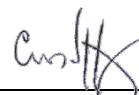
1. Denial of this request for continuance would deny the defendant sufficient time to be able to fairly resolve his case, taking into account the exercise of due diligence
2. Additionally, denial of this request for continuance would result in a miscarriage of justice.
3. The additional time requested by the stipulation, is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act,

18 U.S.C. § 3161(h)(7)(A), considering the factors under 18 U.S.C. §  
1  
3161(h)(7)(B)(i) and (iv).

2. This is the fifth request for a continuance.  
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5 **ORDER**

6 **IT IS ORDERED** that the Preliminary Hearing currently scheduled for February 12, 2018,  
7 at the hour of 4:00 p.m., be vacated and continued to April 16, 2018 at 4:00 p.m.

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UNITED STATES MAGISTRATE JUDGE

10 DATED: February 12, 2018  
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